

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

SEP 5 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

CC Docket No. 96-45

In the Matter of)
)
Federal-State Joint Board on)
Universal Service:)
Promoting Deployment and)
Subscribership in Unserved)
And Underserved Areas, Including)
Tribal and Insular Areas)

**PETITION FOR RECONSIDERATION AND CLARIFICATION OF THE
SOUTH DAKOTA INDEPENDENT TELEPHONE COALITION**

The South Dakota Independent Telephone Coalition (SDITC) hereby requests that the Federal Communications Commission (FCC) reconsider certain aspects of its Order concerning the provision of enhanced Lifeline and Link Up support.¹ Specifically, SDITC asks the FCC to reconsider its decision concerning its authority to determine the jurisdiction of a state commission over a carrier and to designate eligible telecommunications carriers (ETCs) on tribal lands. SDITC also asks the FCC to reconsider its decision concerning the provision of enhanced Link Up support for wireless handsets and to clarify whether ETCs are required to provide enhanced Lifeline and Link Up services on Indian trust lands.

¹ Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking, CC Docket No. 96-45, FCC 00-208 (released June 30, 2000) (Order).

No. of Copies rec'd at 11
List A B C D E

INTRODUCTION

In the Order, the FCC adopts procedures governing when a carrier seeking ETC status must seek such status from a state commission pursuant to Section 214(e)(2) and when a carrier may seek such status from the FCC pursuant to Section 214(e)(6). Section 214(e)(2) directs a state commission to designate a common carrier that meets the appropriate requirements as an ETC “on its own motion or upon request.”² Section 214(e)(6) directs the FCC to designate a common carrier that meets the appropriate requirements as a ETC “[i]n the case of a common carrier ... that is not subject to the jurisdiction of a State commission.”³ The FCC concludes that sections 214(e)(2) and (e)(6) do not address whether the state commission or the FCC should make the threshold determination as to whether the state commission has the jurisdiction to designate any particular carrier as an ETC.⁴ Accordingly, based on its finding that the statute is ambiguous, the FCC concludes that it has the authority to make this threshold determination on tribal lands.⁵

The FCC then adopts separate procedures for carriers to follow for obtaining ETC status based on whether the carrier intends to serve “tribal lands” or “non-tribal lands”. The FCC requires carriers seeking ETC status for non-tribal lands to first go to the state commission for a determination of the state commission’s jurisdiction. The FCC does so as a matter of federal-state comity and because for non-tribal lands the

² 47 USC §214(e)(2).

³ 47 USC §214(e)(6).

⁴ Order at ¶¶92 and 112.

⁵ Id. at ¶116.

determination primarily involves an interpretation of state law.⁶ However, for “tribal lands,” the FCC concludes that a carrier can bypass the state commission and file a request for ETC status directly at the FCC, at which time the FCC will resolve the threshold question of whether the carrier is subject to the jurisdiction of the state commission. Where the FCC finds that the state lacks jurisdiction, the FCC will make a decision on the merits of the designation request.⁷

The FCC concludes that it can and should make this determination for a number of reasons. First, as indicated, the FCC finds that sections 214(e)(2) and (e)(6) are ambiguous with respect to who makes the determination of whether the state commission has jurisdiction over a particular carrier. Second, unlike the determination for non-tribal lands which involves primarily an interpretation of state law, a determination as to whether a state commission has jurisdiction over a carrier providing service on tribal lands supposedly involves interpretations of tribal sovereignty, federal Indian law, and treaties. According to the FCC, “[e]valuating the extent to which a state commission has jurisdiction over activities conducted on tribal lands, whether by members or non-members of a tribe, will involve questions of whether state regulation is preempted by federal regulation, whether state regulation is consistent with tribal sovereignty and self-determination, and whether a tribe has consented to state jurisdiction in treaties or otherwise.”⁸ The FCC simply concludes that such jurisdictional determinations, “may be appropriately performed by this Commission.”⁹ The FCC also refers to its obligation to

⁶ Id. at ¶112-113.

⁷ Id. at ¶115.

⁸ Id. at ¶117.

⁹ Id. at ¶117.

preserve and advance universal service under section 254, principles of tribal sovereignty and self-determination, and its “unique federal trust responsibility,” as reasons for it to decide a state commission’s jurisdiction over a carrier providing service on tribal lands.¹⁰

THE FCC HAS EXCEEDED ITS AUTHORITY UNDER THE ACT

SDITC asserts that the FCC has misinterpreted the Act and exceeded its authority with respect to its conclusion that it can decide the threshold question of a state commission’s jurisdiction over carriers providing service on tribal lands. Contrary to the assertion of the FCC, the statute is not ambiguous concerning the state commission’s ability to determine its own jurisdiction over carriers. Section 214(e)(2) authorizes a state commission “on its own motion or upon request” to designate a common carrier that meets the appropriate requirements as an ETC. By designating a carrier “on its own motion,” the state commission must resolve the question of whether it has jurisdiction over the carrier. When Congress added Section 214(e)(6) after it was found that state commissions might not have jurisdiction over some carriers, it did not in any way change the authority of state commissions pursuant to Section 214(e)(2).

Moreover, as acknowledged by the FCC, Congress made clear in the legislative history that Section 214(e)(6) was not intended to “restrict or expand the existing jurisdiction of State commissions over any common carrier...”¹¹ State commissions derive their authority to regulate carriers from state law which the state commissions interpret in the first instance, subject to review by the courts. There is no indication in

¹⁰ Id. ¶120.

the Act that Congress intended to interject the FCC in this process merely by authorizing the FCC to designate ETCs in some cases.

In any event, even if it can be found that the statute is silent or ambiguous as to which entity makes the threshold determination of a state commission's jurisdiction, the FCC's interpretation is not based on a reasonable construction of the Act for the reasons stated above namely, Section 214(e)(2) authorizes a state commission to designate a carrier as an ETC "on its own motion;" Congress did not change the authority of state commissions when it added Section 214(e)(6); and the legislative history demonstrates that Congress did not intend Section 214(e)(6) to change the authority of state commissions in any way. Rather, the interpretation consistent with the structure and history of Section 214 is for the state to determine its jurisdiction over a carrier in the first instance and, where the state commission finds that it does not have jurisdiction, for the FCC to then consider the carrier's ETC designation request.

THE FCC'S RATIONALE FAILS WITH RESPECT TO "NEAR RESERVATION"

Even if the FCC's interpretation of the Act is correct, its attempt to exert jurisdiction over "tribal lands" is too broad under its own reasoning and, therefore, it is arbitrary and capricious. The FCC defines "tribal lands" to include "reservation" and "near reservation" as those terms are defined under the Bureau of Indian Affairs' (BIA) regulations. BIA regulations define "reservation" as "any federally recognized Indian

¹¹ Order at ¶104, citing 143 Cong. Rec. H10807-09 (dail ed. Nov. 13, 1997) (statement of Rep. Bliley).

tribe's reservation, Pueblo, or Colony, including former reservations in Oklahoma, Alaska Native regions established pursuant to the Alaska native Claims Settlement Act ... , and Indian allotments.”¹² In contrast, BIA regulations define “near reservation” as “areas or communities adjacent or contiguous to reservations which are designated by the Commissioner ... as locales appropriate for the extension of financial assistance and/or social services...”¹³ In other words, “near reservation” areas are not reservation lands subject to treaties, federal Indian law and tribal sovereignty. They are simply areas adjacent or contiguous to reservations, where tribe members with a nexus to the “tribe and reservation” reside and where BIA determines that certain federal benefits should be available. Accordingly, even under the FCC’s rationale, carriers seeking ETC status in areas that have been designated as “near reservation” should first go to the state commission.

In addition, the inclusion of “near reservation” lands could result in the FCC determining the jurisdiction of state commissions and the ETC status of carriers in most instances. To date, BIA as already designated vast areas as “near reservation” in South Dakota, California, Michigan, Washington, Oregon, Arizona, New Mexico, Virginia, Nevada, North Dakota, Louisiana, Montana and Wyoming.¹⁴ In fact, entire counties and in some cases the entire service area for a carrier has been designated as “near reservation.”¹⁵ Moreover, since there are reservations across the United States, BIA

¹² 25 CFR §20.1(v).

¹³ 25 CFR §20.1(r).

¹⁴ A copy of the areas designated by BIA as near reservation is attached hereto.

¹⁵ For example, the entire service area of the Kennebec Telephone Company and the Faith Municipal Telephone Company has been designated as “near reservation.”

could potentially designate significant additional portions of the United States as “near reservation.” Accordingly, by including “near reservations” in the definition of tribal lands, the FCC has put itself in the position to be able to determine state jurisdiction over carriers and, potentially, the ETC status of carriers, in a major portion of the country.

LINK UP AND WIRELESS

SDITC also asks the FCC to reconsider its finding that non-wireline carriers are eligible to receive Link Up support for the portion of a handset that receives wireless signals.¹⁶ Not only is this finding inconsistent with previous Commission precedent, it does not provide a workable standard for determining when customer premises equipment (CPE) is eligible for universal service support and when it is not.

Previously, the FCC classified CPE, including wireless handsets, as equipment on the customer side of the demarcation point. Section 54.411(a)(3) of the FCC’s rules states that Link Up support does not apply to charges assessed for facilities or equipment that fall on the customer side of the demarcation point. However, in the Order, the FCC now finds that a portion of a wireless handset that receives wireless signals is eligible for Link Up support, to the extent that a non-wireline carrier can isolate those costs, because such costs are on the network side of the network interface device (NID).¹⁷

The Order also does not provide a workable standard for differentiating among equipment that is eligible for universal service support and that which is not. The FCC’s

¹⁶ Order at ¶61.

¹⁷ Order at ¶61.

statement that some portion of a wireless handset may be covered as costs on the network side of the NID is vague and does not clearly indicate what portion of a handset is compensable. Accordingly, carriers are left to guess at what is compensable and what is not. To eliminate the confusion caused by the FCC's reference, and to bring the Order in conformance with past precedent, SDITC urges the FCC to reconsider and eliminate this language concerning wireless handsets.

THE FCC SHOULD CLARIFY THE STATUS OF TRUST LANDS

Finally, SDITC asks the FCC to clarify the status of trust lands for purposes of enhanced Lifeline and Link Up support. Specifically, the FCC's Order requires ETCs to provide enhanced Lifeline and Link Up support to eligible individuals on reservations and on lands designated as "near reservation." Neither definition specifically includes "trust lands." Accordingly, SDITC asks the FCC to clarify whether ETCs are required to provide enhanced Lifeline and Link Up support to individuals on trust lands.

CONCLUSION

Based on the foregoing, SDITC requests that the FCC reconsider and clarify the Order as discussed herein.

Respectfully submitted,

SOUTH DAKOTA INDEPENDENT
TELEPHONE COALITION

By: Richard D. Coit /mjs
Richard D. Coit
General Counsel

207 East Capitol, Suite 206
P.O. Box 57
Pierre, SD 57501
(605) 224-7629

Benjamin H. Dickens, Jr.
Mary J. Sisak
Blooston, Mordkofsky, Jackson & Dickens
2120 L Street, NW
Suite 300
Washington, DC 20037
(202) 659-0830

Dated: September 5, 2000

FEDERAL REGISTER
Vol. 65, No. 95

Notices

DEPARTMENT OF THE INTERIOR (DOI)
Assistant Secretary for Indian Affairs
Bureau of Indian Affairs (BIA)

Notice of Near-Reservation Designations for California Tribes

65 FR 31188

DATE: Tuesday, May 16, 2000

ACTION: Notice.

SUMMARY: This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary-Indian Affairs. Pursuant to 25 CFR 20.1(r), notice is hereby given of the near-reservation designations for certain Indian tribal entities within the States of California and Oregon recognized as eligible to receive services from the United States Bureau of Indian Affairs (BIA).

DATES: **These near-reservation designations become effective on June 15, 2000.**

FOR FURTHER INFORMATION CONTACT: Larry Blair, Chief, Human Services Branch, Bureau of Indian Affairs, 1849 C Street, NW., MS-4660-MIB, Washington, D.C. 20240, Telephone No. (202) 208-2479.

SUPPLEMENTARY INFORMATION: In accordance with 25 CFR part 20-Financial Assistance and Social Services Program, the Assistant Secretary-Indian Affairs designates the following locales as "near-reservation" areas appropriate for the extension of BIA financial assistance and/or social services. 25 CFR part 20-Financial Assistance and Social Services Program regulations have full force and effect when extending BIA financial assistance and/or social services into these designated "near-reservation" locations. In the absence of officially designated "near-reservation" areas, such services are provided only to Indian people who live within reservation boundaries. The tribes identified below are now authorized to extend financial assistance and social services to their eligible tribal members (and their family members who are Indian) who reside outside the boundaries of a federally recognized tribe's reservation, but within the areas designated below.

The locales listed below are those designated for this purpose.

Tribe: Big Sandy Rancheria

"Near-reservation" locations: The counties of Madera, Fresno and Kings in the State of California.

Tribe: Big Valley Rancheria

"Near-reservation" locations: The counties of Lake and Sonoma in the State of California.

Tribe: Bishop Reservation

"Near-reservation" locations: The counties of Mono and Inyo in the State of California.

Tribe: Cedarville Rancheria

"Near-reservation" location: The county of Modoc in the State of California.

Tribe: Cortina Rancheria

"Near-reservation" locations: The counties of Glenn, Colusa, Yolo and Sacramento in the State of California.

Tribe: Dry Creek Rancheria

"Near-reservation" location: The county of Sonoma in the State of California.

Tribe: Fort Bidwell Reservation

"Near-reservation" locations: The county of Modoc in the State of California. The counties of Lake and Klamath in the State of Oregon.

Tribe: Greenville Rancheria

"Near-reservation" locations: The counties of Plumas, Lassen, Shasta, Tehama, Butte, Yuba and Sutter in the State of California.

Tribe: Hopland Reservation

"Near-reservation" locations: The counties of Mendocino and Sonoma in the State of California.

Tribe: Karuk Tribe of California

"Near-reservation" locations: The counties of Siskiyou, northeastern Humboldt from State Highway 96 milepost HUM 28.61 north to the Siskiyou County Line in the State of California.

Tribe: Laytonville Rancheria

"Near-reservation" locations: The counties of Mendocino, Lake and Humboldt in the State of California.

Tribe: Mechoopda Indian Tribe of the Chico Rancheria

"Near-reservation" location: The county of Butte in the State of California.

Tribe: Mooretown Rancheria

"Near-reservation" location: The county of Butte in the State of California.

Tribe: North Fork Rancheria

"Near-reservation" locations: The counties of Madera, Mariposa and Fresno in the State of California.

Tribe: Picayune Rancheria of the Chukchansi Indians

"Near-reservation" locations: The counties of Fresno, Madera and Mariposa in the State of California.

Tribe: Pinoleville Reservation

"Near-reservation" locations: The counties of Mendocino, Sonoma, Lake and Napa in the State of California.

Tribe: Redding Rancheria

"Near-reservation" locations: The county of Trinity and the western two-thirds of Shasta in the State of California.

Tribe: Redwood Valley Rancheria

"Near-reservation" locations: The counties of Mendocino and Sonoma in the State of California.

Tribe: Coast Indian Community of the Resighini Rancheria

"Near-reservation" location: The county of Del Norte in the State of California.

Tribe: Bear River Band of Rohnerville Rancheria

"Near-reservation" locations: The counties of Humboldt and Del Norte in the State of California.

Tribe: Round Valley Reservation

"Near-reservation" locations: The counties of Trinity, Mendocino, Lake and Sonoma in the State of California.

Tribe: Scotts Valley Rancheria

"Near-reservation" locations: The counties of Mendocino, Lake, Sonoma and Contra Costa in the State of California.

Tribe: Sherwood Valley Rancheria

"Near-reservation" locations: The counties of Mendocino, Lake and Sonoma in the State of California.

Tribe: Shingle Springs Rancheria

"Near-reservation" locations: The counties of El Dorado, Sacramento, Placer and Yolo in the State of California.

Tribe: Smith River Rancheria

"Near-reservation" locations: The counties of Del Norte and Humboldt in the State of California. The counties of Curry, Josephine and Coos in the State of Oregon.

Tribe: Susanville Indian Rancheria

"Near-reservation" location: The county of Lassen in the State of California. [*31189]

Tribe: Tule River Reservation

"Near-reservation" location: The county of Tulare in the State of California.

Tribe: Tuolumne Rancheria

"Near-reservation" location: The county of Tuolumne in the State of California.

Tribe: Yurok Tribe

"Near-reservation" locations: The counties of Humboldt and Del Norte in the State of California.

Dated: May 5, 2000.

Kevin Gover,

Assistant Secretary--Indian Affairs.

[FR Doc. 00-12193 Filed 5-15-00; 8:45 am]

BILLING CODE 4310-02-P

FEDERAL REGISTER
Vol. 60, No. 165

Notices

DEPARTMENT OF THE INTERIOR (DOI)
Assistant Secretary for Indian Affairs
Bureau of Indian Affairs (BIA)

Near-Reservation Designations

Part III

60 FR 44394

DATE: Friday, August 25, 1995

ACTION: Notice.

SUMMARY: This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary-Indian Affairs. Pursuant to 25 CFR 20.1(r), notice is hereby given of the near-reservation designations for certain Indian tribes within the contiguous 48 states recognized as eligible to receive services from the United States Bureau of Indian Affairs (BIA).

DATES: These near-reservation designations become effective immediately.

FOR FURTHER INFORMATION CONTACT:

Betty Tippeconnie, Acting Chief, Division of Social Services, Bureau of Indian Affairs, 1849 C Street NW., MS 310 SIB, Washington, DC 20240. Tel: 202-208-2721.

SUPPLEMENTARY INFORMATION: In accordance with the Code of Federal Regulations, title 25 Indians, chapter 1 BIA, Department of the Interior, subchapter Human Services, part 20 Financial Assistance and Social Services Program (25 CFR part 20) 25 CFR 20.1(r), the Assistant Secretary-Indian Affairs designates the following locales as "near-reservation" areas appropriate for the extension of BIA financial assistance and/or social services. 25 CFR part 20 Financial Assistance and Social Services Program regulations have full force and effect when extending BIA financial assistance and/or social services into these designated "near-reservation" locations. In the absence of officially designated "near-reservation" areas, such services are provided only to Indian people who live within reservation boundaries. The tribes identified below are now authorized to extend financial assistance and social services to their eligible tribal members (and their family members who are Indian) who reside outside the boundaries of a federally recognized tribe's reservation, but within the areas designated below.

The locales listed below are those designated for this purpose.

Tribe: Blackfeet Tribe of the Blackfeet Indian Reservation of Montana

"Near-reservation" locations: The communities of Cut Bank, Dupuyer, and Valier in the State of Montana.

Tribe: Chitimacha Tribe of Louisiana

"Near-reservation" location: The Saint Mary Parish in the State of Louisiana.

Tribe: Quinault Indian Nation

"Near-reservation" locations: The counties of Grays Harbor and Jefferson in the State of Washington.

Tribe: Tonto Apache Indians of Arizona

"Near-reservation" locations: The communities of Gisela, Payson, and Star Valley in the State of Arizona.

Tribes: Fallon Paiute Shoshone; Fort McDermitt Paiute Shoshone; Lovelock Paiute; Pyramid Lake Paiute; Reno Sparks Indian Colony's Summit Lake Paiute; Walker River Paiute; Washoe Tribe of Nevada and California; Winnemucca Indian Colony; Yerington Paiute, and Yomba Shoshone

"Near-reservation" location: The county of Carson City in the State of Nevada

Tribe: Yakama Indian Nation

"Near-reservation" location: The community of Celilo Village in the State of Oregon.

Dated: August 15, 1995.

FEDERAL REGISTER
VOL. 58, No. 30

Notices

DEPARTMENT OF THE INTERIOR (DOI)
Assistant Secretary for Indian Affairs
Bureau of Indian Affairs (BIA)

Near-Reservation Designations

Part III

58 FR 8882

DATE: ~~Wednesday, February 17, 1993~~

ACTION: Notice.

SUMMARY: This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary -- Indian Affairs. Pursuant to 25 CFR 20.1(r), Notice is hereby given of the near-reservation designations for certain Indian tribal entities within the contiguous 48 states recognized as eligible to receive services from the United States Bureau of Indian Affairs (BIA).

DATES: These near-reservation designations become effective immediately.

FOR FURTHER INFORMATION CONTACT: David L. Hickman, Chief, Division of Social Services, Bureau of Indian Affairs, 1849 C Street, NW., MS 310 SIB, Washington, DC 20240.

February 9, 1993.

SUPPLEMENTARY INFORMATION: In accordance with title 25 -- Indians, Chapter 1 -- BIA, Department of the Interior, subchapter D -- Human Services, part 20 -- Financial Assistance and Social Services Program (25 CFR part 20) 25 CFR 20.1(r), the Assistant Secretary -- Indian Affairs designates the following locales as "near-reservation" areas appropriate for the extension of BIA financial assistance and/or social services. 25 CFR part 20 -- Financial Assistance and Social Services Program regulations have full force and effect when extending BIA financial assistance and/or social services into these designated "near-reservation" locations. In the absence of officially designated "near-reservation" areas, such services are provided only to Indian people who live within reservation boundaries. The tribes identified below are now authorized to extend financial assistance and social services to their eligible tribal members (and their family members who are Indian) who reside outside the boundaries of a federally recognized tribe's reservation, but within the areas designated below.

The locales listed below are those designated for this purpose.

Tribe: Bay Mills Indian Community

"Near-reservation" locations: The counties of Chippewa, Luce and Mackinac in the State of Michigan.

Tribe: Grand Traverse Band of Ottawa and Chippewa Indians

"Near-reservation" locations: The counties of Grand Traverse, Charlevoix, Leelanau, Benzie, Manistee and Antrim in the State of Michigan.

Tribe: Hannahville Indian Community

"Near-reservation" locations: The counties of Delta, Menominee and Dickinson in the State of Michigan.

Tribe: Keweenaw Bay Indian Community

"Near-reservation" locations: The counties of Baraga, Iron, Houghton, Marquette, Ontonagon, Dickinson, Gogebic and Keweenaw in the State of Michigan.

Tribe: Lac Vieux Desert

"Near-reservation" locations: The counties of Gogebic, Ontonogin and Iron in the State of Michigan.

Tribe: Saginaw Chippewa

"Near-reservation" locations: The counties of Isabella, Arenac, Osceola, Mecosta, Montcalm, Midland, Gratiot, Gladwin and Midland in the State of Michigan.

Tribe: Sault Ste. Marie Tribe of Michigan

"Near-reservation" locations: The counties of Chippewa, Mackinac, Luce, Alger, Schoolcraft, Delta and Marquette in the State of Michigan.

Eddie F. Brown,

Assistant Secretary -- Indian Affairs.

[FR Doc. 93-3663 Filed 2-16-93; 8:45 am]

DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs
AGENCY: Bureau of Indian Affairs, Interior.

57 FR 15206

April 24, 1992

Near-Reservation Designations
ACTION: Notice.

SUMMARY: This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary -- Indian Affairs. Pursuant to 25 CFR 20.1(r) notice is hereby given of the near-reservation designations for certain Indian tribal entities within the contiguous 48 states recognized as eligible to receive services from the United States Bureau of Indian Affairs (BIA).

DATES: These near-reservation designations become effective April 24, 1992.

FOR FURTHER INFORMATION CONTACT: Chief, Division of Social Services, Bureau of Indian Affairs, 1849 C Street, NW., MS 310 SIB, Washington, DC 20240.

TEXT: March 23, 1992.

SUPPLEMENTARY INFORMATION: In accordance with title 25 -- Indians, chapter 1 -- BIA, Department of the Interior, subchapter D -- Human Services, part 20 -- Financial Assistance and Social Services Program (25 CFR 20) 25 CFR 20.1(r), the Assistant Secretary -- Indian Affairs designates the following locales as "near-reservation" areas appropriate for the extension of BIA financial assistance and/or social services.

25 CFR 20 -- Financial Assistance and Social Services Program regulations have full force and effect when extending BIA assistance and/or social services in these designated "near-reservation" locations.

The locales listed below are those designated for this purpose.

Agency: Crow Agency, Crow Agency, Montana

Tribe: Crow Tribe of Montana

"Near-reservation" location: City of Hardin, Montana

Agency: Eastern Area Office, Arlington, Virginia

Tribe: Coushatta Tribe of Louisiana

"Near-reservation" location: Parishes of Allen and Jefferson Davis, Louisiana

Agency: Eastern Area Office, Arlington, Virginia

Tribe: Tunica-Biloxi Indians of Louisiana

"Near-reservation" locations: Parishes of Avoyelles and Rapids, Louisiana

Agency: Ft. Belknap Agency, Harlem, Montana

Tribe: Gros Ventre and Assiniboiné Tribes

"Near-reservation" locations: Cities of Harlem and Dodson, Montana

Agency: Ft. Totten Agency, Ft. Totten, North Dakota

Tribe: Devils Lake Sioux Tribe

"Near-reservation" locations: Cities of Devils Lake, Minnewaukan, Oberon and Sheyenne, North Dakota

Agency: Northern Cheyenne Agency, Lame Deer, Montana

Tribe: Northern Cheyenne

"Near-reservation" location: Ashland, Montana

Agency: Wind River Agency, Ft. Washakie, Wyoming

Tribe: Arapahoe Tribe of the Wind River reservation of Wyoming and Shoshone Tribe of the Wind River Reservation of Wyoming

"Near-reservation" locations: Cities of Lander and Riverton, Wyoming

Agency: Olympic Peninsula Agency, Hoquiam, Washington

Tribe: Skokomish Indian Tribe of the Skokomish Reservation of Washington

"Near-reservation" location: Mason County within the State of Washington

Agency: Northern Pueblos Agency, Santa Fe, New Mexico

Tribe: Pueblo of San Juan, New Mexico

"Near-reservation" locations: Communities within five miles from the reservation border, including Alcade, Arroyo Seco, Chamita, Chili, El Llano, El Quique, Espanola, Guachupange, Hernandez, La Mesilla, San Pedro, Santa Cruz and Velarde, New Mexico

Eddie F. Brown,

Assistant Secretary -- Indian Affairs.
[FR Doc. 92-9574 Filed 4-23-92; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Bureau of Indian Affairs

52 FR 9352

March 24, 1987

Near Reservation Designations

TEXT: March 11, 1987.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary -- Indian Affairs by 230 DM 2.

In accordance with Title 25 -- Indians, Chapter 1 -- Bureau of Indian Affairs, Department of the Interior, Subchapter D -- Social Welfare, § 20.24 -- Family and Community Service (25 CFR 20.24) the Assistant Secretary -- Indian Affairs has designated a certain locale as a "Near reservation" location appropriate for the extension of Bureau of Indian Affairs social services. The locale listed below by Bureau Agency Office jurisdiction is designated for this purpose:

Agency	Reservation-tribe	"Near Reservation" location
Siletz, Siletz, Oregon	Confederated Tribe of the Siletz Indians	Counties of Washington, Clackamas, and Multnomah (all of the above within the State of Oregon).

25 CFR 20.24 Family and Community Services program regulations have full force and effect when extending Bureau of Indian Affairs services to Indian members of the above tribes (and to members of their family who are Indian) who reside in the above designated "Near reservation" location specified for their tribe and reservation. These regulations become effective immediately upon publication in the Federal Register.

Further information about these "Near reservation" designations may be obtained from the Acting Chief, Division of Social Services, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, DC 20245, telephone (202) 343-6434.

Ross O. Swimmer,

Assistant Secretary -- Indian Affairs.
[FR Doc. 87-6307 Filed 3-23-87; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs

48 FR 40442

September 7, 1983

Near-Reservation Designations

TEXT: August 3, 1983.

This notice is published in exercise of authority delegated to the Assistant Secretary -- Indian Affairs by 209 DM 8.

In accordance with 25 CFR Part 20, Financial Assistance and Social Services Program, the Assistant Secretary -- Indian Affairs is designating certain locales as "near-reservation" locations for purposes of extending Bureau of Indian Affairs financial assistance and/or social services.

The locales listed below are arranged alphabetically by Bureau of Indian Affairs agency/area office.

Agency: Cheyenne River

Tribe: Cheyenne River Sioux

Near-Reservation Location: The community of Faith, South Dakota (only that area falling within the city limits of Faith, South Dakota).

Agency: Phoenix Area Office

Tribe: Pascua Yaqui

Near-Reservation Location: The Pima County, Arizona communities of South Tucson, Old Pascua Village and Yoem Pueblo.

Agency: Puget Sound

Tribe: Muckleshoot

Near-Reservation Location: The counties of King and Pierce in the State of Washington.

Agency: Puget Sound

Tribe: Nisqually

Near-Reservation Location: Thurston County and Pierce County in the State of Washington.

Agency: Puget Sound

Tribe: Nooksack

Near-Reservation Location: Whatcom County and Skagit County in the State of Washington.

Agency: Puget Sound

Tribe: Suquamish

Near-Reservation Location: Counties of Mason, Kitsap, Thurston, Snohomish, King and Pierce in the State of Washington.

Agency: Puget Sound

Tribe: Swinomish

Near-Reservation Location: Skagit County in the State of Washington.

Agency: Rosebud

Tribe: Rosebud Sioux

Near-Reservation Location: The South Dakota counties of Gregory, Melette, Tripp, and Lyman (excluding that portion of Lyman County which falls within the boundaries of the Lower Brule Indian Reservation).

Agency: Sisseton

Tribe: Sisseton-Wahpeton Sioux

Near-Reservation Location: The communities of Waubay, South Dakota and Wilmot, South Dakota.

Agency: Turtle Mountain

Tribe: Turtle Mountain Band of Chippewa Indians

Near-Reservation Location: Rolette County, North Dakota.

Agency: Warm Springs

Tribe: Burns Paiute

Near-Reservation Location: The communities of Burns and Hines in the State of Oregon and those public domain allotments in Harney County, Oregon inhabited by members of the Burns Paiute Tribe.

Agency: Western Nevada

Tribes: Fallon Paiute Shoshone; Ft. McDermitt Paiute Shoshone; Lovelock Paiute; Moapa Band of Piatues; Pyramid Lake Paiute; Reno-Sparks Indian Colony; Summit Lake Paiute; Walker River Paiute; Washoe Tribe of Nevada and California; Winnemucca Indian Colony; Yerington Paiute; Yomba Shoshone; and Las Vegas Indian Colony.

Near-Reservation Location: The Nevada counties of Humboldt, Washoe, Storey, Pershing, Churchill, Douglas, Mineral, Lyon, Esmeralda, Clark and Nye.

The regulations in 25 CFR Part 20, Financial Assistance and Social Services Program, have full force and effect when extending Bureau of Indian Affairs financial assistance and/or social services in the above designated "near-reservation" locations. Additional information concerning these "near-reservation" designations may be obtained from the Chief, Division of Social Services, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., Washington, D.C. 20245, telephone number (202) 343-6434.

Kenneth Smith,

Assistant Secretary, Indian Affairs.
[FR Doc. 83-24322 Filed 9-6-83; 8:45 am]

BILLING CODE 4310-02-M